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Roberts Abokhair & Mardula, LLC 11800 Sunrise Drive, Suite 1000 Reston, VA 20191-5302				
		EXAMINER		
		COBANOGU, DILEK B		
		ART UNIT PAPER NUMBER		
		3626		

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,572

Applicant(s)

ROSTRON ET AL.

Examiner

Dilek B. Cobanoglu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

1. This communication is in response to the amendment received on 08/14/2006.
2. Claims 1-25 are still pending. Claims 3-13, 15-24 have been amended.

Claim Objections

3. The objection about claims 4-12, 16-20, 21, 23 and 24 under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claims (See MPEP § 608.01(n)) has been withdrawn due to the amendment on these claims.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.
5. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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6. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

7. The abstract is less than 50 words; therefore an appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-4, 8, 9, 12-15 and 19-25 are rejected under 35 U.S.C. 102(b) as being unpatentable by Summerell et al. (hereinafter Summerell) (U.S. Patent No. 5,937,387).

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A. Claims 1-3, 13-15 and 25 are rejected under 35 U.S.C. 102(b) as being unpatentable over Summerell (U.S. Patent No. 5,937,387) for the same reasons set forth in the previous Office Action (pages 5-7). Applicant's arguments with respect to the aforementioned rejection are addressed below in the section entitled "Response to Arguments".

B. Claim 4 is amended now to recite an actuarial data processing system as claimed in Claim 1, wherein prudence correction data is additionally stored in the storage means (Summerell; col. 9, lines 32-61).

C. Claim 8 is amended now to recite an actuarial data processing system as claimed in Claim 1, wherein the processing means is additionally adapted to calculate a premium (Summerell; col. 4, line 65 to col. 5, line 15).

D. Claim 9 is amended now to recite an actuarial data processing system as claimed in Claim 1, wherein the processing means is adapted to make an adjustment for medical advances and prudence (Summerell; col. 11, lines 14-29).

E. Claim 12 is amended now to recite an actuarial data processing system as claimed in claim 1, wherein the processing means is adapted to operate the following process: $e = t = 0 \text{ .infin. tpx}$ wherein $tpx = t - px.1(1 - q(x, M/F, t) - k(x, M/F, s); opx = 1$, and $q(x, M/F, t)$ is the probability of death at age $x+t$ for the appropriate sex and $k(x, M/F, s)$ represents an addition factor based on impairment and quality of life yielding a scoring statistic of s for a life aged x for the appropriate sex (Summerell; col. 4, line 65 to col. 5, line 15, col. 11, lines 50-59).

Examiner consider that calculating lower and upper age limits of a client using standard tables, statistics and variables obtained according to the client's life style is the same as the value calculated in this claim, which is more explained in the Response to Arguments section.

F. Claim 13 is amended now to recite an actuarial method comprising:

- i. assigning a statistic to a client based on the client's level of health (Summerell et al.; col. 4, line 65 to col. 5, line 9),
- ii. deriving data from a standard actuarial table (Summerell; col. 10, lines 66-67, Fig.9, col. 5, lines 32-37 and Fig. 10 and 14), and
- iii. producing a value representative of the client life expectancy using the statistic and the derived data for insurance purposes (Summerell; col. 4, lines 42 to 60 and Fig. 18-21 and col. 4, line 65 to col. 5, line 15).

G. Claim 14 has not been amended, and Applicant does not appear to argue the separate patentability of this claim. As such, claim 14 is rejected for the same reasons given in the previous Office Action (page number 6), and incorporated herein.

H. Claim 15 is amended now to recite an actuarial method as claimed in claim 14, further comprising making an adjustment to take account of medical advances and prudence (Summerell; col. 11, lines 14-29).

I. Claim 19 is amended now to recite an actuarial method as claimed in claim 14, wherein the annuity factors are incorporated into the value prior to calculation of the premiums (Summerell; col. 4, line 65 to col. 5, line 15).

J. Amended claim 20 recites the same limitations as claim 12, therefore is rejected with the same reasons given in the rejection of claim 12, and incorporated hereinwith.

K. As per amended claims 21 and 22, they are apparatus claims, which repeat the same limitations of claims 1 and 14, the corresponding method and system claims, as a collection of elements as opposed to a series of process steps. Since the teachings of Summerell disclose the underlying process steps that constitute the methods of claims 1 and 14, it is respectfully submitted that they provide the underlying structural elements that perform the steps as well. As such, the limitations of claims 21 and 22 are rejected for the same reasons given above for claims 1 and 14.

L. As per claims 23, 24, it is an article of manufacture claim which repeats the same limitations of claim 1 and 14, the corresponding method claim, as a collection of executable instructions stored on machine readable media as opposed to a series of process steps. Since the teachings of Summerell disclose the underlying process steps that constitute the method of claim 1 and 14, it is respectfully submitted that they likewise disclose the executable instructions that perform the steps as well. As such, the limitations of claim 23, 24 are rejected for the same reasons given above for claim 1 and 14.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5-7, 10, 11, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Summerell et al. (hereinafter Summerell) (U.S. Patent No. 5,937,387) in view of Banks (U.S. Patent No. 5,913,198).

A. Claim 5 is amended now to recite an actuarial data processing system as claimed in claim 1,

Summerell fails to expressly teach the interest data stored in the storage. However, this feature is well known in the art, as evidenced by Banks.

In particular, Banks discloses interest data stored in the storage (Banks; col. 11, lines 5-8).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Banks with the motivation of calculating the projected annual cost (Banks; col. 11, lines 5-11).

B. Claims 6 and 11 are amended now to recite an actuarial data processing system as claimed in claim 1.

Summerell fails to expressly teach the expenses and expected profits data stored in the storage. However, this feature is well known in the art, as evidenced by Banks.

In particular, Banks discloses expenses and expected profits data (expected investment yields) stored in the storage (Banks; col. 7, lines 36-44).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Banks with the motivation of custom design the plan (Banks; col. 7, lines 45-52).

C. Claim 7 is amended now to recite an actuarial data processing system as claimed in claim 1.

Summerell fails to expressly teach the annuity factors stored in the storage. However, this feature is well known in the art, as evidenced by Banks.

In particular, Banks discloses annuity factors stored in the storage (Banks; col. 7, lines 36-44).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as

disclosed by Banks with the motivation of custom design the plan
(Banks; col. 7, lines 45-52).

D. Claim 10 is amended now to recite an actuarial data processing system as claimed in Claim 1, wherein the processing means is adapted to make an adjustment for interest or premium assumptions (Summerell; col. 4, line 65 to col. 5, line 15).

The obviousness of modifying the teaching of Summerell to include the interest data stored in the storage (as taught by Banks) is as addressed above in the rejection of claim 5 and incorporated herein.

E. Amended claims 16-18 repeat the same limitations as claims 5-7, therefore rejected with the same reasons given in the rejection of claims 5-7 above and incorporated hereinwith.

Response to Arguments

11. Applicant's arguments filed 08/14/2006 have been fully considered but they are not persuasive. Applicant's arguments will be addressed below in the order in which they appear.

A. In response to Applicant's argument about Summerell reference does not teach "outputting a value of a client's life expectancy", Examiner respectfully submits that Summerell teaches customized wellness options to individuals based on their life styles, habits and other factors effecting the individuals. To do this, Summerell method collects information from the individual, determining their physiological age and resources to improve his/her wellness (Summerell; col. 4,

lines 42-57). While this system providing a wellness plan for an individual, it calculates the lower and upper age limits according to the information provided from the individual and statistics data (Summerell; col. 11, lines 50-59, Figures 8-10).

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

13. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DBC

DBC

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10/25/2006

Primary

C. LUKE GILLIGAN
PATENT EXAMINER